



Teaching
Regulation
Agency

Ms Barbara Twumasi: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

December 2021

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	5
Documents	5
Witnesses	6
Decision and reasons	6
Findings of fact	7
Panel's recommendation to the Secretary of State	12
Decision and reasons on behalf of the Secretary of State	18

Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Ms Barbara Twumasi
Teacher ref number:	1170457
Teacher date of birth:	14 August 1986
TRA reference:	19001
Date of determination:	10 December 2021
Former employer:	Jessop Primary School, London

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 2, 3 and 10 December 2021 by way of a virtual hearing, to consider the case of Ms Barbara Twumasi.

The panel members were Dr Zubair Hanslot (lay panellist – in the chair), Ms Susanne Staab (teacher panellist) and Mr Paul Millett (lay panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Ms Twumasi was present and was represented by Ms Amanda Hart of Doughty Street Chambers.

The hearing took place by way of a virtual hearing in public although parts of the hearing were held in private and it was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 1 October 2021.

It was alleged that Ms Twumasi was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that during her employment at Jessops Primary School ('the School') between September 2015 and April 2019:

1. On or around 9 February 2019 she was found in possession of a Class A controlled substance, namely cocaine;
2. Her conduct as referred to at 1. above constituted a criminal offence, for which she accepted a caution on or around 9 February 2019;
3. On or around 9 February 2019 she was found by means of a police drugs test to have a Class A controlled substance, namely cocaine, in her system;
4. On or around 11 February 2019, she failed to report that she had tested positive for a Class A substance namely cocaine;
5. Her conduct as may be found proven at allegation 4 above lacked integrity and/or was dishonest.

Ms Twumasi had signed a statement of agreed facts on 5 April 2021 and the presenting officer had signed the statement of agreed facts on 8 April 2021.

Ms Twumasi admitted the facts of allegations 1, 2, 3 and 4. Whilst Ms Twumasi admitted allegation 4, the parties did dispute some of what was said at the meeting on 11 February 2019. Ms Twumasi did not accept allegation 5.

Ms Twumasi further admitted that in relation to the allegations which are admitted, those accepted facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the '2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the '2018 Procedures') apply to this case, given that those provisions applied when the referral was made.

Although the panel has the power to direct that the 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the 2018 Procedures in this case.

Application for part of the hearing to be heard in private

The panel considered an application from Ms Twumasi that part of the hearing relating to matters in [redacted] should be heard in private.

The panel heard submissions from the teacher's representative and presenting officer on the application before reaching its decision. The presenting officer did not object to the application.

Having considered the representations, the panel granted the application. The panel considered it was not contrary to the public interest for the parts of the hearing concerning Ms Twumasi's [redacted] to be heard in private.

Application to admit additional documents

The panel considered a preliminary application from the teacher's representative for the admission of additional documents to the hearing bundle.

The teacher's documents were a notification letter from the Police dated 9 February 2019, a character reference and a further statement from one of the current character references.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the 2018 Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the 2018 Procedures.

The panel heard representations from the teacher's representative in respect of the application. The panel considered the additional documents were relevant to the proceedings. The documents were therefore added to the bundle.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

- Section 1: Preliminary documents – page 2

- Section 2: Notice of proceedings, response and statement of agreed facts – pages 4 to 14
- Section 3: TRA witness statements – pages 16 to 17
- Section 4: Teaching Regulation Agency documents – pages 19 to 128
- Section 5: Teacher documents – pages 130 to 180

In addition, the panel agreed to accept the following:

- Letter from the Metropolitan Police to Individual A dated 9 February 2019 in relation to a Common Law Police Disclosure – pages 181 to 182
- Clarification letter and email from existing character reference – pages 183 to 184
- Further character reference letter – page 185.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

At the hearing, the panel heard oral evidence from the following witnesses:

- Individual A (called by the TRA)
- Ms Twumasi.

No other witnesses were called to give oral evidence.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Ms Twumasi was employed by the School as a classroom teacher from September 2015. Ms Twumasi had qualified as a teacher in 2013.

On Saturday 9 February 2019 Ms Twumasi was arrested. A recorded police interview was conducted on 9 February 2019. Ms Twumasi informed the School of her arrest on Monday 11 February 2019. Additionally, on 11 February 2019, Ms Twumasi produced her written statement to the School concerning her arrest.

The School contacted the police to obtain further information in relation to her arrest on 29 March 2019 and the police subsequently provided the School with further information on or around 2 April 2019.

The School suspended Ms Twumasi on 8 April 2019 and a disciplinary investigation took place followed by a disciplinary hearing. Ms Twumasi was dismissed by the School on 18 July 2019.

Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

1. On or around 9 February 2019 you were found in possession of a Class A controlled substance, namely cocaine

Ms Twumasi admitted the facts of allegation 1 both in her response to the notice of proceedings dated 20 October 2021 and in the statement of agreed facts which Ms Twumasi signed on 5 April 2021.

Ms Twumasi admitted that on 9 February 2019 she had been found outside her home, in her car, by the police. The police had searched Ms Twumasi and her car. The police's written account of the search was that a metal container was found inside Ms Twumasi's jacket pocket which contained a small clear bag of white powder. It was subsequently found, following a test at the police station, that the white powder was cocaine. Ms Twumasi was arrested for being in possession of a Class A drug on 9 February 2019 at 04:11am.

Within the bundle there were contemporaneous statements provided by three police officers who had been involved in the arrest of Ms Twumasi on 9 February 2019. The panel noted that there was consistency amongst these accounts that the cocaine was found in Ms Twumasi's jacket pocket within a small plastic bag found which was inside a container.

Within the police transcript of Ms Twumasi's interview on 9 February 2019 it was discussed that the substance had been tested and had been found to be cocaine.

The panel was not specifically directed by the TRA to make a finding of the circumstances in which Ms Twumasi came into the possession of the cocaine and noted that this did not form part of the allegations against her. The panel accordingly did not make a finding on this issue. In any event, the panel considered that, however she did come into possession of the cocaine, it was clear on the evidence available that she had been in possession of cocaine on 9 February 2019, which is the allegation she faced.

The panel found the facts of allegation 1 proved, having considered all the evidence before it.

2. Your conduct as referred to at 1 above constituted a criminal offence, for which you accepted a caution on or around 9 February 2019

The panel noted that in the response to the notice of proceedings dated 20 October 2021 and in the statement of agreed facts, which Ms Twumasi signed on 5 April 2021, Ms Twumasi admitted the facts of allegation 2.

The panel noted a copy of Ms Twumasi's police caution within the bundle. The caution detailed that on 9 February 2019 she was found to be in possession of a quantity of crack cocaine, a controlled drug of Class A in contravention of the Misuse of Drugs Act 1971.

Ms Twumasi signed a declaration that she understood the consequences of the caution being administered to her on 9 February 2019.

Ms Twumasi accepted that it was a criminal offence to have the cocaine in her possession. Ms Twumasi informed the School of her caution on her next working day, Monday 9 February 2019.

Having considered all the evidence before it, including Ms Twumasi's admission and in particular the evidence received from the police within the bundle, the panel found the facts of allegation 2 proved.

3. On or around 9 February 2019 you were found by means of a police drugs test to have a Class A controlled substance, namely cocaine, in your system

The panel noted that in the response to the notice of proceedings and in the statement of agreed facts, Ms Twumasi admitted the facts of allegation 3.

Ms Twumasi acknowledged that when she was arrested on 9 February 2019, she was tested by the police for drugs within her system. Ms Twumasi admitted that she had tested cocaine on 9 February 2019 which resulted in a positive test. Ms Twumasi confirmed in her witness evidence at the hearing that she had been found to have a Class A drug in her system.

The panel noted that Individual A had given evidence that on or around 29 March 2019 the police had informed him that Ms Twumasi had tested positive for cocaine.

Having considered the evidence before it, the panel found the facts of allegation 3 proved.

4. On or around 11 February 2019, you failed to report that you had tested positive for a Class A substance namely cocaine

The panel noted that in the response to the notice of proceedings and in the statement of agreed facts, Ms Twumasi admitted the facts of allegation 4. At the hearing, Ms Twumasi confirmed that she admitted this allegation.

On 11 February 2019, Ms Twumasi informed the Head of School that she had received a caution for drug possession. Ms Twumasi acknowledged that she did not disclose to the School the full extent of the situation - that she had tasted some of the cocaine and tested positive for having a Class A drug within her system. Ms Twumasi stated that she thought the police would send a report to the School, containing all the details of the incident including the positive drug test, and that it would come to light in due course. Ms Twumasi accepted that she should have told the School on 11 February 2019 that she had tested positive for cocaine on 9 February 2019.

The panel noted the witness statement and oral evidence provided by Individual A, who confirmed that Ms Twumasi reported the incident on 11 February 2019 to him, and that she had been arrested for possession of a controlled substance but had not disclosed to him that she had tested positive for cocaine, corroborating Ms Twumasi's version of events on this.

Both Individual A's and Ms Twumasi's evidence was that at the meeting on 11 February 2019 Ms Twumasi did not inform him that she had tested positive for cocaine. On 11 February 2019, Ms Twumasi provided a written account to the School of what had taken place on 9 February 2019 and the panel noted that the written account did not detail that she had tested positive for cocaine.

The panel found the facts of allegation 4 proved.

5. Your conduct as may be found proven at allegation 4 above lacked integrity and/or was dishonest.

At the hearing, Ms Twumasi confirmed that the facts of the allegation were not admitted and considered these a matter for the panel to determine.

The panel noted that in the response to the notice of proceedings and in the statement of agreed facts, Ms Twumasi had previously partially admitted the facts of allegation 5. Ms Twumasi had previously accepted that her conduct was partially lacking integrity and was partially dishonest as she reported her arrest and caution at the first opportunity without disclosing her positive drug test. Nevertheless, the panel made its own determination on the facts of the allegations on all of the evidence before it.

The panel firstly considered whether Ms Twumasi had failed to act with integrity. The panel considered the case of *Wingate & Anor v The Solicitors Regulation Authority*. The panel considered that Ms Twumasi had failed to act within the higher standards expected of a teacher by not informing her School on 11 February 2019 that she had tested

positive for cocaine. The panel considered the disclosure of the fact she had tested positive for cocaine to be relevant information about which she should have informed the School.

The information about the positive drug test was relevant to the School, and would be relevant at any School, because teachers are placed in a position of trust. When the School found out that she had tested positive for cocaine it immediately carried out a risk assessment. The panel is satisfied that had Individual A been advised of the positive test at his meeting with Ms Twumasi on 11 February 2019 he would then have immediately carried out a risk assessment and may have suspended her sooner. As a qualified teacher, Ms Twumasi should have informed the School on 11 February 2019 that she had tested positive for cocaine.

The panel found that Ms Twumasi had not acted with integrity over her failure to disclose her positive drug test.

The panel then considered whether Ms Twumasi had acted dishonestly in relation to the proven facts of allegation 4. In reaching its decision on this, the panel considered the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockford*.

Ms Twumasi's evidence was that the police had advised her to inform her employer that she had been charged with possession of a Class A drug, cocaine, and that further details would be sent to the School.

The panel firstly sought to ascertain the actual state of Ms Twumasi's knowledge or belief as to the facts. The panel accepted Ms Twumasi's oral evidence given at the hearing that she had been told by the police that they would be in contact with the School to provide relevant details of her arrest and caution. Further, the panel found that Ms Twumasi had genuinely believed that she had provided sufficient information to the School on Monday 11 February 2019, when she informed the Head of School that she had been given a police caution and found to be in possession of cocaine. The panel was satisfied that in Ms Twumasi's mind she had provided the only material information the School needed to be informed of.

The panel found her reasoning to be consistent with the letter from the police dated 9 February 2019, the relevant part of which read that Ms Twumasi had been "*arrested on suspicion of being in possession of a controlled drug. The substance was tested and found to be cocaine. She was interviewed, admitted the offence and was issued a police caution*". No mention in the police letter is made of Ms Twumasi's positive drug test.

Given the panel's finding as to Ms Twumasi's state of mind the panel considered that her conduct, as found proven at allegation 4, had not been dishonest according to the standards of ordinary decent people. In summary, the panel considered that Ms

Twumasi's omission of the fact she had also tested positive for cocaine was not dishonest.

The panel found the facts of allegation 5 proved in respect of her failing to act with integrity on the facts found proved at allegation 4, but unproven that she had acted dishonestly.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found the allegations 1, 2, 3, 4, and 5 (in relation to integrity only) proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Ms Twumasi accepted in the agreed statement of facts that her conduct constituted unacceptable professional conduct and conduct that may bring the profession into disrepute. Notwithstanding that admission, the panel made its own determination.

In doing so, the panel had regard to the document *Teacher Misconduct: The Prohibition of Teachers*, which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Ms Twumasi, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Twumasi was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school...
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the proven conduct of Ms Twumasi amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Twumasi's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that the offence of possession of Class A drugs was relevant. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that allegations 1, 2 and 3 took place outside the education setting in that Ms Twumasi's misconduct took place outside of working hours and not on school premises. It noted that the Advice indicates that misconduct outside of the education setting may only be considered to be relevant if it is serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public's perception of them, therefore bringing the profession into disrepute.

The panel concluded that the possession and taking of a Class A drug was serious and would be likely to have a negative impact on Ms Twumasi's status as a teacher, potentially damaging the public perception of the profession and therefore considered the conduct in respect of allegations 1, 2 and 3 which had taken place outside of the educational setting to be relevant.

The panel was satisfied that Ms Twumasi was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. As Ms Twumasi admitted, her conduct was 'not a good look'.

The panel concluded that Ms Twumasi's behaviour, in committing the misconduct whilst holding a position of authority as a teacher, could affect public confidence in the teaching profession.

The panel therefore found that Ms Twumasi's actions constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2, 3, 4 and 5 (in relation to integrity) proved, the panel further found that Ms Twumasi's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel were aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be potentially relevant in this case, namely: the protection of pupils, the protection of other members of the public, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also had regard to whether there was a public interest in retaining the teacher in the profession.

Given the nature of the proven allegations, the panel believed that the public interest consideration of the protection of pupils and other members of the public was potentially engaged. However, the panel viewed the proven allegations, which related to Ms Twumasi's conduct on 9 and 11 February 2021, as isolated incidences and out of character. Therefore, in the panel's opinion, the public interest consideration of the protection of pupils and other members of the public was limited in Ms Twumasi's circumstances. The panel viewed the risk of Ms Twumasi repeating this misconduct as negligible and there was no evidence to suggest this had been anything other than a one-off occurrence.

In light of the panel's findings against Ms Twumasi which involved possession and taking a Class A drug, and conduct which lacked integrity, the panel considered there was a significant public interest consideration in declaring and upholding proper standards of conduct. The public would not expect teachers to be in possession of a Class A drug or to have taken that drug, even if it was a one-off occurrence. Moreover, the public would rightly expect teachers to act with integrity.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if the misconduct found proven against Ms Twumasi was not treated with the utmost seriousness when regulating the conduct of the teaching profession. The panel considered that the conduct found against Ms Twumasi had fallen short of conduct which could be reasonably tolerated.

In the panel's view there was also a strong public interest consideration in retaining Ms Twumasi in the teaching profession. The panel considered that if Ms Twumasi was permitted to continue to teach then she would be able to continue to make a valuable contribution to the profession. In reaching this decision, the panel noted the evidence set out below.

At the hearing, Individual A was very positive about Ms Twumasi's teaching abilities whilst she had worked at the School. In particular, Individual A commented that he believed Ms Twumasi to be:

- *“A very good teacher”, “very creative in the classroom”, “a good colleague” and “good at establishing relationships with the children”.*

Individual A had provided a positive reference for Ms Twumasi for the period September 2017 to July 2018 whilst she had been working at the School. Individual A's positive comments had included:

- *“Barbara [Ms Twumasi] has a wonderful rapport with people of all ages, especially children. Her ability to connect with her students and her talent when teaching simple concepts, as well as more advanced topics, are both truly superior.”*

Further, the panel noted the positive character reference provided by Individual B who stated he had known Ms Twumasi for over six years and had worked with Ms Twumasi, [redacted].

- *“While working with her, she went above and beyond to help colleagues and would see her as a reliable and trustworthy teacher...”*
- *“Furthermore, parents have always commented on how passionate she is for the children in her class to succeed and how well they feel their children are supported. I have never been more impressed by a teacher's enthusiasm and passion for the craft of teaching.”*

The panel also noted the documentary evidence within the bundle of Ms Twumasi's contribution as a teacher at a new school which she had worked at during the period January 2020 to August 2021. The [redacted] of that new school (Individual C), who had provided a statement that she was aware of the allegations which Ms Twumasi faced, had provided Ms Twumasi with a glowing reference.

Individual C had stated:

- *“She is able to make very good relationships with pupils, parents and colleagues. She is a great team player and has continued to have good relationships with staff since first working at the school. She is committed to doing her best and is motivated to support the pupils to ensure they reach their full potential. She has shown herself to be professional and upholds the ethos of the school.”*
- *“Barbara has an energetic and positive personality which has a positive impact on the class she teaches. The parents have appreciated and welcomed her with their children.”*

The panel also reviewed the grades Ms Twumasi had received for classroom observations during the period February 2020 to 18 May 2021 whilst at a new school. The panel noted that on a scale of 1 to 8 (with 1 being the best grade and 8 the worst) Ms Twumasi had consistently been scored as a 3 or 4 along with some scores of 2 and only one score of 5. The panel considered these grades and the comments within the observations as further evidence that Ms Twumasi was making a valuable contribution to the teaching profession and could continue to do so in the future if she was permitted to continue to teach.

In view of the public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Twumasi. In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Twumasi.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, the panel considered that those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

The panel considered that Ms Twumasi, by her actions of being found in possession of a Class A drug and having traces of it in her system on 9 February 2019 and acting without integrity in the information she had provided to the School on 11 February 2019, had seriously departed from the personal and professional conduct elements of the Teachers' Standards. Furthermore, the panel considered that by being in possession of a Class A drug and having taken the Class A drug on 9 February 2019, Ms Twumasi had committed a serious criminal offence which had resulted in a police caution.

However, the panel did take into account that that Ms Twumasi's proven misconduct had been solely limited to her actions on 9 February 2019 and 11 February 2019. Having considered all the evidence before it during the course of the hearing, including all the mitigating factors set out below and the references referred to above, the panel considered that the risk of Ms Twumasi ever repeating her actions of February 2019 was negligible.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider any mitigating factors. The panel noted that mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel were unable to conclude whether Ms Twumasi's proven actions had been deliberate or not.

The panel did not consider that Ms Twumasi was acting under duress at the time of proven misconduct. However, the panel did consider that Ms Twumasi was [redacted]. The panel accepted Ms Twumasi's evidence that these personal circumstances affected her character and judgement and had badly influenced her actions in 9 and 11 February 2019.

The panel heard that Ms Twumasi had sought counselling support following the incident of February 2019. [redacted] and the panel heard she considered she now had a well-balanced personal life.

Ms Twumasi's submitted that her actions on 9 and 11 February 2019 had been completely out of character for her. The panel noted the following character references within the bundle which attested to Ms Twumasi's good character:

- Individual D who states he has known Ms Twumasi for over 20 years as a member [redacted], provided a statement dated 27 May 2021. Individual D had provided an additional email stating he was aware of the TRA's allegations against Ms Twumasi.
 - *"Barbara took her responsibilities very seriously. With a humble heart she supported the church during Sunday services by reading sermons to our congregation and assisted in community events."*
 - *"Over the years, I have seen Barbara grow into a responsible, respected and a trustworthy member of our community."*
 - *"Barbara is also a committed member of our Young Adult Fellowship group and currently, volunteers as the group's treasurer... Furthermore, during the pandemic, Barbara helped deliver food parcels and often would ring members of the congregation to check on their wellbeing."*
 - *"She is a person with a lot of integrity and really makes a great effort to make sure that she always acts correctly."*
- Individual E, states she has known Ms Twumasi for over four years and provided a statement dated 5 July 2021.
 - *"Barbara has supported youth events, church events and community events."*
 - *"She is helpful to the community such helping with food parcels and supporting young people in the youth café and helping young people with their homework."*

- *“I highly trust and will recommend Barbara to you, she loves to teach and make a difference in young people’s lives and is able to encourage young people to learn.”*

The panel noted and weighed in the balance that (aside from Individual A who had been called to give evidence on behalf of the TRA), Ms Twumasi’s character referees within the bundle had not been called to give oral evidence and therefore the panel had not had the ability to explore their statements and ask further questions. The panel noted that other than the events of February 2019, no doubts had been cast as to Ms Twumasi’s ability, professionalism or character. The panel noted that Ms Twumasi had not previously been subject to any disciplinary sanctions.

The panel determined that Ms Twumasi’s previous history was good and, as set out above, the panel was presented with evidence that she was a highly effective teacher with a previously unblemished record.

The panel concluded that Ms Twumasi was of good character and that her actions in February 2019 had been an aberration. Further, the panel took into account that the misconduct had related to isolated incidents at a time when she was facing extremely difficult personal circumstances that were likely to have negatively influenced her decision making at that time.

The panel considered that Ms Twumasi had shown insight into the seriousness of her proven misconduct. Ms Twumasi accepted almost entirely the allegations and that what she did was wrong and appreciated why it was wrong. It was clear to the panel that Ms Twumasi understood that teachers have an influential role in the formation of pupils’ views and behaviours and that her proven misconduct could have negatively influenced pupils’ view towards drugs and matters of integrity.

Ms Twumasi was deeply remorseful for her misconduct. It was clear to the panel that Ms Twumasi deeply regretted what she had done and was ashamed of her actions on 9 and 11 February 2019.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel’s view was that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response in these circumstances.

The panel was of the view that Ms Twumasi’s conduct was serious. The panel also noted that the public interest considerations of the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct weighed in favour of a prohibition.

However, in the panel's view, there was a strong public interest consideration in retaining Ms Twumasi as a teacher and there was strong and compelling mitigation before the panel. In particular, the panel concluded that Ms Twumasi's previous good history, the evidence that she was a good teacher and the significant personal issues that had caused her substantial stress, were likely to have negatively affected her decision making in February 2019. Moreover, the panel considered that her misconduct on 9 and 11 February 2019 had been completely out of character and the panel was satisfied that the risk of repetition was negligible. The panel concluded that it would not be in the public interest to lose Ms Twumasi from the teaching profession.

The panel considered that the publication of its findings of unacceptable professional conduct and conduct that may bring the profession into disrepute were sufficient to send an appropriate message to Ms Twumasi as to the standards of behaviour that are not acceptable. The panel was also of the view that in these circumstances, the publication of the finding of unacceptable professional conduct and conduct that may bring the profession into disrepute would meet the public interest requirement of declaring proper standards of the profession.

The panel did note the nature and severity of the proven misconduct was not at the less serious end of the possible spectrum in this case. However, having considered the significant mitigating factors and the public interest consideration of retaining Ms Twumasi as a teacher which it considered to be present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. In summary, the panel's recommendation was for no prohibition order to be imposed.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found one of the allegations not proven. I have therefore put that matter entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Ms Twumasi is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was also “satisfied that the proven conduct of Ms Twumasi amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.”

The panel also considered whether Ms Twumasi’s conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel “found that the offence of possession of Class A drugs was relevant.”

The findings of misconduct are particularly serious as they include a finding of possession and use of a Class A drug and also a finding of failing to act with integrity.

I have to determine, taking into account the recommendation of the panel, whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Twumasi, and the impact that will have on her, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has said that it, “also took account of the uniquely influential role that teachers can hold in pupils’ lives and the fact that pupils must be able to view teachers as role models in the way that they behave.”

A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel considered that Ms Twumasi had shown insight into

the seriousness of her proven misconduct. Ms Twumasi accepted almost entirely the allegations and that what she did was wrong and appreciated why it was wrong. It was clear to the panel that Ms Twumasi understood that teachers have an influential role in the formation of pupils' views and behaviours and that her proven misconduct could have negatively influenced pupils' view towards drugs and matters of integrity.

Ms Twumasi was deeply remorseful for her misconduct. It was clear to the panel that Ms Twumasi deeply regretted what she had done and was ashamed of her actions on 9 and 11 February 2019.”

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. As Ms Twumasi admitted, her conduct was ‘not a good look’.

The panel concluded that Ms Twumasi's behaviour, in committing the misconduct whilst holding a position of authority as a teacher, could affect public confidence in the teaching profession.”

I am particularly mindful of the finding of both possession and use of a Class A drug and also the lack of integrity in this case and the impact that such findings have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Twumasi herself. The panel comment that it, “determined that Ms Twumasi's previous history was good and, as set out above, the panel was presented with evidence that she was a highly effective teacher with a previously unblemished record.”

A prohibition order would prevent Ms Twumasi from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the behaviour found proven, "The panel did note the nature and severity of the proven misconduct was not at the less serious end of the possible spectrum in this case."

I have also placed considerable weight on the finding of the panel that, "The panel considered that Ms Twumasi, by her actions of being found in possession of a Class A drug and having traces of it in her system on 9 February 2019 and acting without integrity in the information she had provided to the School on 11 February 2019, had seriously departed from the personal and professional conduct elements of the Teachers' Standards. Furthermore, the panel considered that by being in possession of a Class A drug and having taken the Class A drug on 9 February 2019, Ms Twumasi had committed a serious criminal offence which had resulted in a police caution."

I have given less weight in my consideration of sanction, to the contribution that Ms Twumasi has made to the profession. Although the panel identify many positive contributions which are supported by positive references, these are not in my judgement outstanding or exceptional.

Although the panel therefore felt Ms Twumasi's ability as a teacher was not in doubt, and indeed that she has much to contribute, in my view due to the serious nature of the allegations found proven, I have given this less weight in reaching my overall decision.

I have recognised the serious nature of this case and that Ms Twumasi has admitted to possessing and using a class A drug (cocaine). I also recognise the significant impact that could have on maintaining public trust in the profession.

In balancing my overall decision, I have also given careful consideration to the other factors that led to the misconduct found proven. In my view, the panel have given disproportionate weight to the mitigating circumstances in this case, along with their consideration of the insight and remorse shown by Ms Twumasi. Due to the nature of the allegation found proven and the damaging effect of drugs in wider society, I do not support the panel's recommendation.

I have also taken into account the published Advice concerning the prohibition of teachers, particularly where an individual has displayed behaviours associated with any of the offences listed in that Advice, which include possession of a class A drug and that it is likely a teacher's behaviour will be considered incompatible with being a teacher if there is evidence of factors, including – serious departure from the personal and professional conduct of the Teachers' Standards.

I have taken into consideration that view of the panel that this was a one off event and that there is little risk of repetition. Nonetheless, in my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession.

For all of these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period.

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, I consider that a 2 year review period is proportionate and in the public interest.

This means that Ms Barbara Twumasi is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 20 December 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Barbara Twumasi remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Ms Barbara Twumasi has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Alan Meyrick

Date: 14 December 2021

This decision is taken by the decision maker named above on behalf of the Secretary of State.